



## MISSOURI ETHICS COMMISSION

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James Klahr

Executive Director

September 5, 2014

Re: Advisory Opinion # 2014.09.L.004

At the September 5, 2014 meeting of the Missouri Ethics Commission, your request for an opinion was discussed.

*If a lobbyist or lobbyist principal makes an unconditional transfer of sports tickets to another business entity that is unrelated to the lobbyist or lobbyist principal and the lobbyist or lobbyist principal has no intention or specific knowledge that the business entity will provide tickets to a specific elected or other official and the receiving business entity, which is neither a lobbyist nor a lobbyist principal, then provides the ticket to an elected or other official, does the lobbyist principal have any reporting obligations under Chapter 105, RSMo?*

### Proposed Opinion

Pursuant to Section 105.955.16, RSMo, the Missouri Ethics Commission may issue a written opinion regarding any issue on which the Commission can receive a complaint pursuant to Section 105.957, RSMo. The Commission receives complaints alleging violation of the lobbyist reporting laws under Chapter 105. This opinion is issued within the context of Missouri's statutes governing such issues, and assumes the facts presented by you in your letter.

Section 105.473.3 (2)(a) RSMo requires that a lobbyist report the total of all expenditures by the lobbyist or his or her lobbyist principals "made on behalf of" all public officials, their staff and employees, and their spouses and dependent children. Reporting includes the time, venue, and nature of any entertainment. Section 105.470(8), RSMo defines a "public official" as follows:

"[a]ny member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any agency head, department director or division director of state government or any member of any state board or commission and any designated decision-making public servant designated by persons described in this subdivision."

In previous opinions, the Commission has confirmed that the lobbyist must report amenities given by the lobbyist principal to public officials. MEC Opinion 1996.01.105. The lobbyist must

disclose all tickets to sporting events or entertainment performances received or accepted on behalf of the public official even if that official does not attend and gives them to another. MEC Opinion No. 2008.06.L.003.

In the question presented, the lobbyist or lobbyist principal makes an unconditional transfer to an unrelated business entity with no knowledge that the business entity may give the tickets to a public official. Under that scenario alone, there are no reporting requirements for the lobbyist or lobbyist principal because the tickets have been given to a private entity and are not being given "on behalf of" a public official, spouse, dependent child or staff member. In the event the facts were different, the lobbyist or lobbyist principal may have reporting requirements. For example, they would be required to report the expenditure if they gave the tickets with the knowledge or intent that they be provided to the public official or other reportable individual.

The question does not specifically seek guidance on the reporting obligations of the receiving business entity once that entity provides tickets to the public official, but states that the business entity is not a lobbyist or lobbyist principal. Section 105.470, RSMo defines the terms "lobbyist" and "lobbyist principal." In the event that entity fits within those definitions, its lobbyist is required to register within 5 days of becoming a lobbyist and report the expenditure. Section 105.473.1, RSMo.

In summary, the Commission advises that a lobbyist or lobbyist principal is not required to report the providing of tickets to a sporting event to another entity when providing those tickets is unconditional - i.e. when the lobbyist or lobbyist principal has no intent or knowledge of that entity's subsequent decision to provide those tickets to an elected or other public official or other party whose receipt of the tickets would have to be reported had the lobbyist or lobbyist principal known that the public official or other party would ultimately receive the tickets.

Sincerely,



James Klahr  
Executive Director